

Arlington Conservation Commission
Minutes
December 15, 2016

Mr. Stevens called the meeting to order at 7:30 p.m. in the second floor conference room of the Town Hall Annex. Present were Chair Nathaniel Stevens, Mike Nonni, Charles Tirone, Curt Connors, Susan Chapnick, David White, Janine White, and Associate members Catherine Garnett and Eileen Coleman. Also present was Bruce Wheltle, Al Gala, Rich Kirby, Brian Madden, Peter Dunning, Esq., Virginia Hutchinson, Justine Covault, Michael Gervais, Joe Aluia, Jonathan Nyberg, Alan Simao, P.E., Elizabeth Pyle, Esq., Susan Wheltle, Fred Heger, Megan Burns, Wilfried Heger, Gregory Ginet, Steven Schaedel, and Carol Beggy.

Commission Business:

DWhite/Connors motioned to add the Commission's name to a letter MACC is sending to the Governor regarding interstate utility **pipelines**; motion passed unanimously.

Mr. Stevens reported on the encroachment on the **Symmes** CR property behind 106 Woodside Lane, the resolution of which is being coordinated with Brian Rherig of Arlington Land Trust and Athena Ortiz of Arlington360. The remaining fence panel will be reduced by about 2/3, with a new post, to remove all fencing from the CR area. The stone wall is actually a retaining wall with soil behind it, so simply moving it is not a feasible option. Patio pavers and marker bounds of granite posts (12 inches tall) may be installed in a few locations along the property line, and a shade tolerant seed mix put down. The last items will be resolved in the spring.

7:45pm **Notice of Intent** – 88 Coolidge Rd

The applicant presented the latest information on the proposal. The foundation will be pinned to the bedrock, so that no bedrock will be removed. The basement will have bedrock outcrops in it. The driveway will have pervious pavers in the front portion. The proposed house footprint is smaller than that first proposed.

The applicant presented five (5) alternative Options for the project. The Applicant stated that Option 1 had the least potential for resource area impact with 4 trees being removed (American elm, eastern red cedar, sycamore, and northern red oak) and a 1,305 square foot foundation. Permanent disturbance area would be a total of 2,052 square feet (house and driveway). The project proposes 2,500 sf of restoration area, hand removal of invasive species, planting over 100 native shrubs including blueberry and ferns along with 18 native saplings, and nest boxes. An arborist would be on site to instruct workers in root pruning and tree protection. A variance now is not requested, because the Applicant says he can comply with the vegetation removal and restoration requirements in the regulations. Option 1 also includes two infiltration units beneath the front driveway and within the front yard for stormwater run-off.

The proposal should be reviewed again by the Engineering Dept for the revised stormwater calculations, dated December 2, 2016.

The saplings proposed are understory plants. The existing tree roots can be protected from cutting during entrenching of the proposed erosion controls by wrapping around the roots and not cutting through them. The applicant proposes that these plantings will be monitored for at least two years after installation.

The front yard will be maintained in an unmanicured state, with no lawn, with leaf litter mulch and native plants.

There are 4 trees proposed for removal on the lot; none of these are Norway Maples. Mr. Kirby will forward another electronic copy of the proposal to the Commission and to the Engineering Dept.

Ms. Garnett asked if there is enough soil in the proposed mitigation area, whether the shade and spacing will out-compete the new plantings, and whether the existing mature Norway Maples will chemically kill these new plants (allelopathic response). In her yard, only the azaleas have been successful under Norway Maples.

Ms. Chapnick asked if the applicant would be open to three years of monitoring. They responded that they would monitor for three years.

Mr. Stevens asked for more detail of the proposed pinning to the bedrock. Mr. Simao described this work as hand hammer drilling 6 inch long, 5/8 inch thick rebar to the bedrock every 1 to 3 feet along the foundation, in order to pour an undulating foundation wall directly on top of the existing cleaned bedrock.

Mr. Kirby explained how they calculated the tree replacement using the tables in the regulations, which calculated to 14 trees to replace the 4 being removed. Mr. Kirby explained that they propose to increase this to 18 trees as mitigation. Mr. Kirby also briefly reviewed and answered all thirteen questions as presented in the Conservation Commission Memorandum dated December 13, 2016, from Ms. Beckwith. Mr. Kirby presented his written responses to the Commission at the meeting.

Atty. Pyle described the proposal as a self-created hardship, when the larger lot of open space was recently sub-divided to form smaller building lots, requiring the building of structures within the Buffer Zone and Adjacent Upland Resource Area of the stream. She stated that the other open lots on this street will also be built upon using this as precedent. This case is similar to the one on Spy Pond Lane. The alternatives presented were inadequate. She cautioned about setting bad precedent.

Attorney Pyle said that a smaller house could be proposed to have less impact on the AURA and Buffer Zone. Mr. Wheltle performed an analysis of the size of nearby houses, and proposed that a smaller house could be proposed to have less impact on the AURA and Buffer Zone. Based on Mr. Wheltle's calculations, the proposed footprint

is 21.6% coverage of the lot; other homes on Coolidge Road have from 10 to 26% coverage (of 9 existing homes on Coolidge Road used for comparison, 3 have similar coverage and 6 have less than 20% coverage).

Attorney Pyle added that if the Commission did not deny based on self-created hardship, that peer review is essential to determine if this proposal will impact the groundwater in this area and the stream and neighboring properties. She presented the minutes from the 2010 Conservation hearings on the nearby Lot C Coolidge Rd, where it was determined the sensitive hydrology prompted the Commission to hire a peer reviewer of that proposal. (The Notice of Intent was withdrawn before a peer reviewer was hired.)

She gave further examples of poor drainage conditions in the neighborhood.

She described the proposal as permanent structures in the AURA, with 12 foot high walls and barriers to wildlife habitat connectivity, suggesting that nesting boxes were not enough. She questioned the success of the planting plan in the mitigation area. The large oak tree (on 86 Coolidge lot) pruning would impact it, as the crown and roots are much more substantial than that shown on the plan; the shading is also substantial.

Attorney Pyle cautioned that infiltration systems need regular maintenance by the new homeowners, who are not sitting in this room. A natural undisturbed lot with natural drainage doesn't need to be maintained. Chairman Stevens reminded Atty. Pyle that, under current caselaw, general concerns regarding the diligence of future maintenance is not an adequate basis for denial of a NOI.

Mr. Ginot stated that the complicated and sensitive hydrology of the site requires peer review.

Ms. Covault restated her concerns for the impacts to the large oak on her property.

Mr. Schaedel commented that the area has had wetlands and there are two nearby houses with water flowing through the basements, 4 Murray St and 89 Coolidge.

Ms. Harrington spoke to the long history of water in the neighborhood.

Mr. Wheltle restated the need for peer review of the hydrologic impact of this proposal. The four trees proposed for removal are going to affect drainage all by themselves. These may be larger than the dimensions shown on the plan.

He presented binders of photos of wildlife and the open lots over the years showing turkeys, salamanders, raccoon, birds, the tree canopy and density. Water is prevalent upslope and downslope beyond rain events.

Ms. Burns agreed with Atty. Pyle that the situation is self-created by the division of the larger lot.

In response to Mr. Whelple's table of house footprints in the neighborhood, Mr. Nyberg stated that the neighborhood has been built up over time, since the 1930s and house sizes have varied in the time period.

Atty. Dunning commented that the recent changes have improved the proposal. The owner has a reasonable expectation of return on his investment. There is a dangerous precedent of protecting this lot as an aviary.

Mr. Connors asked Atty. Pyle if her clients' position was that there should be no house at all on the lot. She answered that, yes, that is preferable. Mr. Connors also asked for input on the scope of a peer review (just the locus parcel or the whole neighborhood), how broad the analysis should be and the potential impact of any findings on other properties in the neighborhood.

Ms. White asked how long ago the lot was divided up. It was done 4 years ago.

Ms. Garnett stated that groundwater changes are likely and peer review would help answer where and how this would occur.

Ms. Chapnick agreed that she would prefer to have additional information to support a decision on Option 1 in the proposal, a peer reviewed report on the hydrogeology of the lot.

Mr. Nonni responded that the mitigation area would need drip irrigation and at least 3 years of monitoring, possibly with soil amendments as well.

Tirone/DWhite motioned to hire a consultant for peer review by a hydrogeologist or similarly qualified professional of the Applicant's preferred option ("option 1") of the proposal at 88 Coolidge Rd, to determine the effects upon the resource areas and the downstream properties, and whether the ledge will support the house; motion passed unanimously.

The Commission will aim for selection of a consultant at its 1/5 meeting, at 8pm. Chapnick/Nonni motioned to continue this hearing the 1/5 at 8pm; motion passed unanimously.

8pm **Notice of Intent** - 18 Nourse St

This hearing is continued at the request of the applicant to 1/5 at 7:45pm in order for the applicant to provide additional information.

Certificate of Compliance (COC) – 71 Dothan Street

Ms. Beckwith will perform a site visit for a "partial" COC for this site; cannot be "final" because of the need to control invasive plants over time and submit annual reports to the Commission for three years, as required as a special condition in the Order.

8:15pm **Discussion** – Resource area maps for Building Dept.

The Commission discussed how to give this information to the Building Dept and in what format.

Commission Business:

Ms. Garnett asked for someone to present the next phase of the **Spy Pond project** to the Community Preservation Committee. Ms. Beckwith will ask if someone in the Planning Department can do this.

Ms. Garnett noticed that there was vegetation removal at **19R Park Ave.** Ms. Beckwith will contact the housing project manager in regards to this.

Meeting adjourned at 10:45pm.

Respectfully submitted,
Corinna Beckwith